HELSINKI – GAC meeting with ccNSO
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THOMAS SCHNEIDER: Please sit down, we are going to start.

OLOF NORDLING: Just for clarity, this is going to be the GAC and the ccNSO meeting. So if you're looking for something else, well, go look somewhere else.

THOMAS SCHNEIDER: Thank you very much. So this is our meeting with the ccNSO which is taking place in the afternoon because there was not time for this in the morning. And it's, of course, an open meeting to everybody who's interested in what we discuss. I don't want to lose more time talking. Just give the floor to Katrina, the new chair of the ccNSO.

KATRINA SATAKI: Good afternoon. My name is Katrina Sataki. I'm the chair of the ccNSO and we're very glad to be here today with a one-hour session -- one-hour long session with two interesting topics for discussion. And I think without any further adieu we will start

with our short report on the ccNSO PDPs. Becky, may I give you the floor?

BECKY BURR: Thank you very much. And it's nice to be here. I -- you guys probably are getting sick of seeing me and Bart up here to provide an update on what seems like the endless work on ccTLD delegation, revocation, and transfers. We started this work probably six years ago with a delegation and redelegation working group. We had participants from the GAC in that process, and as part of that we did a kind of comprehensive review of delegations and what we then called redelegations to understand how IANA was handling them, to identify areas where we seemed to have a kind of moving target and not very predictable program where the provisions of RFC 1591 had been applied differently over time and we kind of cataloged that process.

Following our work on that, we created the Framework of Interpretation Working Group. Again, there were GAC observers participating in that process, that several-year process, and our goal was to understand, before we contemplated any policy development area, just what it was RFC 1591 says. We also had as reference documents the GAC principles on ccTLD delegation/redelegation, and we delivered to the community

something called a Framework of Interpretation that articulated a sort of -- a common understanding for applying RFC 1591 in the context of delegation, revocation, and transfer.

That Framework of Interpretation was adopted by the board, and we are now in the process of implementing the -- the mechanisms that were identified as part of the Framework of Interpretation.   But hopefully the world is getting more predictable for all ccTLD stakeholders with respect to the delegation, revocation, and transfer arrangements.

As part of that process we identified two areas where RFC 1591 just didn't really provide guidance and where it appeared that guidance or mechanisms were needed. And the first is that ISO 3166-1, which is the authoritative list for two-letter country codes, is obviously not static. New two-letter codes come onto the list and two-letter codes go off of the list over time. And in particular with respect to codes that were removed from the 3166-1 list, there is no guidance on retirement of ccTLDs once they -- once the country code has been replaced or modified. So that is one area where we know we have a guidance gap and where those issues have come up and they have been dealt with but -- and I'm not saying not in a satisfactory way, but it's very difficult to know how they're going to be dealt with because there are no policies out there.

The other aspect of this is that RFC 1591 itself provides that del -- that ccTLD operators should be able to appeal or call for a review if a delegation is revoked, for example. And --- Jon Postel essentially was the mechanism for many years, but there was never a formalized review mechanism that was created. And so the -- the recommendation coming out of the Framework of Interpretation was that that was another area in which policy needed to be developed.

That became a little bit more urgent in connection with the IANA transition where we were also calling for binding review processes and for enhancing the Independent Review Process in general.

Looking at that the ccTLD -- ccNSO, after consultation with the CC community, both members and non-members, concluded that we did not want the Independent Review Process, or the IRP, to apply to delegations, revocations, and transfers with respect to ccTLDs until such time -- until and unless policy was developed in order to establish the standards and the rules by which that kind of review mechanism would be implemented.

So here in -- this week we are -- the ccNSO will be issuing -- will be considering a resolution, a council resolution, to call for the creation of an issue report to address -- for policy development with respect to retirement of ccTLD two-letter codes and for

dispute resolution mechanisms with respect to revocation and for -- we will -- the resolution will provide for the creation of an issue report to be considered in Hyderabad and designation of an issue manager. We will be appointing a council implementation oversight team for -- for -- to assist the issue manager, Bart, and drafting the issue report. And that will be a CC manager from every region -- one from every -- from all of our regions plus a NomCom councillor. And we will be considering this at the council meeting on --

BART BOSWINKEL: Thursday.

BECKY BURR: Thursday. Obviously the GAC has been -- we've tried very hard to make sure that we're keeping the GAC updated on this and welcomed participation in the working group so far and input going forward will be very important to us. So I'm going to ask Bart, who just disappeared, to make it easier for that participation to walk you through the process through which we will develop the issues -- issue report and to talk a little bit about some of the questions that we'll have to answer in Hyderabad.

BART BOSWINKEL: Thank you, Becky. Can you start the slides, next slide, please. Okay. In order to -- as you will be very aware, the ccNSO hardly runs ccNSO policy development processes. So I'll take you through some of the steps that are described in the ICANN bylaws Annex B around this process and I'll end with, say, the formal and informal ways in how the Government Advisory Committee and its members, either individually or as a group, get involved in that process. So if you look at the policy development process in the ccNSO you can effectively identify three stages. The first stage, that's the launch, that's what we'll be discussing -- or what the ccNSO council will be discussing at this meeting in Helsinki and that starts with the council decision to request an issue report. The issue report is a description of the issues, assessment of the timelines involved, assessment of whether the issues are within the scope of the ccNSO and then the end stage of this one -- and that's by Hyderabad -- is the decision to initiate the ccNSO PDP. So there is a clear distinction between launching and initiating. That will be relevant in a moment as well.

So stage two, that's really the development of the policy. This is where the community really gets involved and based on the issues report starts developing the policy and the recommendations. And it starts with an interim report by the working group, will be put out for public comments and input,

may end in a final report or may end in a subsequential interim report that's more or less up to the working group itself. And then the final stage -- and that's particularly relevant for at least the ccTLD community -- it starts with the final report. Once that's been adopted by the working group goes to the ccNSO council for adoption. But that's not the end of the process, and this distinguishes the ccNSO procedure, I would say, from the GNSO procedures is that the ccNSO membership, so the ccNSO membership, members, have to vote on the recommendations whether or not to adopt it. If they do not accept the recommendations, then it will not go through. And if they adopt it, then the board -- then the final report in the form of a board report will be submitted to the ICANN board of directors for consideration. Next slide, please.

So characteristics of the PDP, this is another way of looking at the policy development process. If you look at it the experience to date has shown with all of the work of the ccNSO it is effectively determined by the development phase or the second stage of the process. And in the way the ccNSO is conducting this, these type of processes, it will include at a minimum two rounds of public comment and again with a minimum period of 40 days of public comment it includes the analysis of the issues, development of the recommendations. And a very, very, very hopeful assessment of the timeline is a duration of six months,

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but this is probably so optimistic, probably you have to multiply it by five or six to get a real understanding how long a ccNSO process takes.

Stage three, as I said, includes the members vote, and again, this could take up to -- or the minimal duration is two months. The last PDP has taken -- the vote has taken three to four months because if you look at the annex C or Annex B it includes a members vote or quorum roll meaning that more -- 50% plus one of the ccNSO membership needs to take -- or participate in the first round of voting. Currently the ccNSO has 159 members. Hopefully by the end of this week it will be 160. So that means at least 80 members of the community need to vote in order to have a valid vote in the first round. If it's not -- if we don't meet the quorum rule, which happened the last time, we have to wait another month and then the -- an ordinary vote will happen. Next side, please.

So looking more in depth and building on what Becky just said is there are two topics at stake which are related. One is the review mechanism and the other one is on the retirement of ccTLD. And the interrelation is that decisions with regard to retirement of ccTLD should -- potentially should get -- be subject to the review mechanism as well. And as Becky has alluded to, they are two areas within RFC 1591 where additional policy is needed.

So there is two ways of dealing with these interdependencies. One is, and the first method I'll allude to is a one and single PDP. So the way it will look most likely is the creation of two working groups, working group one on the review mechanism and working group two on the retirement, and most likely they will act sequentially, so one after the other. First on the review, and then on the retirement, and then revisit the review mechanism, if necessary.

Now, one of the disadvantages, or advantages, depends on your view, is that this total package -- so the output of working group one and two, so on the review mechanism and the retirement -- is subject to the members' vote.

So only at the end, at the conclusion of the work on both topics the PDP will be closed and the members will vote on it and that is the closure of the PDP. And only at that stage it will be submitted to the ICANN Board.

So you will have two. And this would extend the whole process probably by one year, one and a half year. That's the rough estimate based on some analysis.

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A second method is to initiate two PDPs. Be aware, I use the word "initiate" because what will happen at this meeting, I'll

come to that in a minute, but this I meeting, the launch -- the PDP will be launched, and it will be an issue report both on the review mechanism and the retirement of ccTLDs. And this will be combined. Based on the, say, outcome of that issue report, the ccNSO Council will decide whether to initiate one or two PDPs. So the initiation of two PDPs could happen in Hyderabad or only one initiated, and at a later stage, the retirement PDP would be initiated.

Again, the main difference, again, from a timing perspective is that there will be a members' vote at the end of PDP one and a members vote at the end of PDP two.

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Now, in Marrakech the council consulted the ccTLD community present, and at the time, and from a logics perspective you would say start with the retirement because the review mechanism builds on or needs to take into account the review -- or the output of the retirement process. However, the community in Marrakech, and that was confirmed again today, thinks the review mechanisms on the decisions around delegation, revocation and transfer has the highest priority. Therefore, we will start -- Whatever happens and whatever is the output of one or two PDPs will start with the review mechanism.

The community also expressed a preference for one PDP, but it was not as strong as for the highest priority. And also expressed to do as much as parallel as possible.

Next slide, please.

Now, Becky already said, so at this meeting, again, this morning we had a meeting in the ccNSO meeting room around this topic. What will happen at the Helsinki meeting is -- council meeting is there will be council decisions on, first of all, the request to an issue report. That really launches, kicks off the policy development process. And it will include a question around whether to initiate at the Hyderabad one or two PDPs. So at the Hyderabad meeting, it is envisioned that council will take a decision on that.

In preparing the issue report, and this goes back to what Becky just said, what is the background of these topics is, first of all, what needs to be taken into consideration is the delegation/redelegation working group final report on the retirement of ccTLDs. This goes back to March 2011.

The ccNSO Framework of Interpretation, RFC 1591, and what is probably very important, because there are some myths around it, a lack of understanding, overinterpretation, is the ISO3166 standard, as such, and looking at the rules on assigning codes and especially on de-assigning codes and what will happen with

them because that determines a lot of the discussions around retirement of ccTLDs.

And then finally, as Becky already said, the CWG Stewardship final report and Annex O includes a lot of material from a survey around -- with the ccTLD community on whether or not to include a review mechanism or use the IRP as proposed.

Two other decisions Becky already alluded to is appointment of issue manager, and the appointment of the oversight committee, six councilors.

Next slide, please.

And this is the final slide, and this probably most important for you. What are -- As some of you will know, in the ccNSO PDP there are some formal points of interaction between the GAC and the policy development process as such. When it was drafted, it was included.

Now, the first one is the moment -- as soon as the PDP is initiated, so at the Hyderabad meeting, the GAC will be formally asked to offer opinion or advice. That's the only statement in the policy development process. Probably it's alluding to interacting in the process. And when the final report is produced -- So at the end of either one or the -- the single process or the dual process, when the final report is submitted to the ccNSO

Council, so that kicks off stage three, the voting, the GAC will be requested to offer opinion or advice again. This happened with the IDN PDP, and we've used that mechanism in the past.

So that's the formal way of interaction of the GAC with the policy development process.

The second thing, and that's probably far more, say, in this area or this era of Cross-Community Working Groups and the experience we had around the Framework of Interpretation and the fast-track process is the informal participation. That's discussion on the issue report as it will be produced just before the Hyderabad meeting; participation, whatever manner feasible for individual GAC members, members of the GAC; and these type of sessions where we'll keep you apprised of what's happening within the -- in the policy development process.

That's the end of the presentation. Becky over to you.

BECKY BURR: Yes. We tend to do this very thoroughly and carefully, but it also is very helpful to us to have views of governments throughout this process. So we will, of course, be coming back here to keep you informed but also invite you to participate in working groups on this again in whatever fashion the GAC feels comfortable participating.

CHAIR SCHNEIDER: Thank you. I think this was a lot of information, but a lot of useful information. I'm sure some GAC members may have comments or questions.

I see Norway.

NORWAY: Yes. Thank you. And thanks for the presentation and the overview of the way ahead.

I had, you know -- well, a couple of questions.

One question is the background or rationale for initiating this. You said a little bit about it, but I can understand the rationale for the retirement of ccTLDs. That's no real documentation or processes for that. That's been discussed in the past in years back.

But regarding the mechanisms for revocation and delegation transfers, there's a lot of policy documents already in existence. And of course I would ask GAC -- I would refer to our principles, the ccTLD principles. So that, of course -- they are already there and says that most of the policy regarding ccTLDs should be local policy according to national law.

So I was just -- With respect to that, I was just wondering what are the objectives and the rationale? What are you going to solve or what is the problem of the existing? Are there any malfunctioning local law arrangements or are there any issues between ccNSO and IANA in this respect regarding delegation/redelegation of ccTLDs that you want to fix? That are -- That's my question.

Thank you.

BECKY BURR: So, first of all, 1591, RFC 1591 itself describes the existence of a review mechanism. And this would be a mechanism to review IANA's actions. That also comes up because the actions of IANA as part of the CWG transition called for the ability to review this.

Now of course none of this displaces the application of local national law and none of this displaces the application of the GAC principles where they apply. And of course the GAC principles apply where the ccTLD and the government have agreed that they apply.

So this does not -- would not displace that. It would really not affect any transfers, which are defined in the RFC 1591 and explained in the IFO Framework of Interpretation where the current operator and the proposed new operator agree. And we

would expect that because in the first instance disputes about ccTLD operation should be resolved under local law, to the extent this is functioning properly, transfers should generally be voluntary, agreed upon transfers where a review mechanism would not be needed.

So we are certainly hoping that this is not something that is needed to be used and called upon to be used many, many times.

But there are ccTLDs that have been delegated, that were delegated before RFC 1591 came into existence. So we don't know quite what the terms and conditions apply there. So we need some review mechanism there.

Presumably where the GAC's framework of -- the GAC's principles apply, where the government and the CC operator agree that those apply, there's also a dispute resolution mechanism. But for the rest, there's no mechanism to resolve disputes, although presumably, you know, operators can avail themselves of going to court.

But this is a -- a mechanism to ensure due process for all in disputes regarding the transfer and revocation -- revocation and transfer.

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CHAIR SCHNEIDER: Thank you.

Next I have the United Kingdom and Iran.

UNITED KINGDOM: Thank you, Chair. And thank you, Becky and Bart, for the presentation on this. It's been very helpful, actually, to me personally to catch up on an important area of work for the ccNSO.

And it's interesting, actually, to see here an example of opportunity for the GAC to engage in policy development on the ccNSO side, actually. We've discussed and worked out procedures for the GNSO on early engagement in PDP so it's interesting to see this mirrored here.

My question was really about the loading for us as the GAC, because this PDP has two elements. There's the retirement of CCs and also the review mechanisms for the delegation, revocation, and so on. And my sense or instinct is that the latter to be more meaty for us, but correct me if I'm wrong, because it will hit on issues like newly emerging independent countries requiring a delegation and so on. So situations, scenarios like that which we'd have to sort of give some careful thought to.

On the other issue, retirement, I don't really have an immediate sense but, you know, the world does change, and I guess we

need to understand the process that would flow from a CC being retired.

So in terms of the interaction as set out there, how do you see it in terms of relative loading on the two elements, and will there be an opportunity in the time frame for a really in-depth discussion face to face at one of the upcoming ICANN and GAC meetings?

Thank you.

BECKY BURR: So let me assure you that the way the ccNSO has approached issues -- these issues in the past, both in the delegation and redelegation working group and the Framework of Interpretation Working Group is we have operated from -- from a position of full consensus. As one of our members likes to say, consensus unless somebody's going to die in a ditch protesting it, high level of consensus. We never make decisions in the -- about recommendations without two meetings so that we get all time zones into a discussion about it. We proceed quite carefully. I am absolutely confident that we will have several face-to-face meetings to discuss this as it -- as it moves forward. There is no likelihood that this could be sprung on you quickly.

CHAIR SCHNEIDER: Thank you. Iran.

IRAN: Thank you very much for the presentation, and the thank you for the explanation, Becky. We all know that you're a very highly qualified expert in this area, and other area. I work with you for several months. I think the scope of application or objectives of this should be clearly mentioned. As I understood from you, and perhaps I had the same impression, the application is for limited cases. Is not for all cases. And the cases for which is mentioned, delegated before the 1591. That is the number one, but not after that. And also could you also clarify that whether it is applied equally for the member of -- non-member of ccTLD to the ccNSO because there are ccTLD that are not member whether they apply or not.

And thirdly, the non-intervention of the national legislation of each country with respect to the ccTLD and most -- and last but most important, how you could perhaps involve or request or perhaps initiate a more involvement of the GAC. Dear colleagues, we know that the governments or people in the government, in GAC, they are very, very busy and sometimes it might be difficult to -- to express whatever they need to express in the correspondence. But at the physical meeting they have more ability, they have more options, because they come with

preparations, with instruction from the government and so on and so forth. How we could involve more GAC -- more involved GAC in the process. And I understand, lastly, that you advise in there. You do not refer to the noun of advice. Advise means comments, but not advice with capital A because I don't think that GAC would provide, up to this stage, any advice with capital A at this stage of the process. Give opinion, give comment, and so on and so forth. So it should not be interpreted or constituted as GAC advice because we would not say that later on because we have given our advice, capital A here, we don't have the possibility to give advice at a later stage to the ICANN board. So this question, if you could clarify, I would very much appreciate it. Thank you.

BECKY BURR: So with respect to the last question, it is entirely up to the GAC when it gives advice. It's not advice unless you say it's advice. And that is entirely within your control. We would, of course, welcome comments, informal in -- you know, from individual members from the GAC as a whole all the way through the process. But it is entirely up to the GAC to determine when it gives its advice.

With respect to the scope, I just want to be clear. We could not create a process that ccTLDs delegated before RFC 1591 would

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be obligated to comply with. The terms and conditions of that delegation are -- frankly may vary quite widely.

On the other side where countries, where governments and CC operators have a clear understanding under the -- the GAC principles, it may be that you have agreed on an alternative dispute resolution and to the extent that is effective under applicable law, the device -- the mechanism might not be available. However, the -- I can't imagine any circumstance in which the ccNSO would recommend a review mechanism that was limited to ccNSO members. Just to be clear, we have members but we afford essentially full rights to any ccNSO or any ccTLD operator, whether they have elected to be members or not. And that's a -- that distinguishes us in some ways, but it's a critical feature of the way. So in our operations, in our policy development, in our workings, whether you are a member of the ccNSO or not, you are permitted to participate, and so I cannot see a situation in which we would say this is -- this mechanism is only available for ccNSO members. Did I skip anything?

CHAIR SCHNEIDER: Thank you, Becky. Further questions or comments on this issue? I can't see any hands raised. So we have a few -- Norway. Sorry. Please don't put your hands up like this.

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Better. Much better.

NORWAY: Thank you. Just a quick one. I am -- appreciate what you're wanting to do. I'm not certainly agreeing with you that the -- the only cases where the GAC principles are applicable is when the CC and the governments agree that they are applicable. The local law are applicable in any case. So just to -- just to make that distinction. But thank you for the further clarification of the intentions. Thank you.

BECKY BURR: So let me -- let me assure you -- and this is reflected in the Framework of Interpretation report and in other things -- the ccNSO agrees that as a general rule disputes about operations of ccTLDs should be resolved in accordance with the relevant law and you're absolutely correct, of course, that there's nothing that the ccNSO could do that would prevent application of local law. We do have some places where there are gaps and -- and then the application of the CCW -- or of the GAC principles outside of those places where it's just a function of applicable law, that is just -- that's what the GAC principles say.

CHAIR SCHNEIDER: Thank you. Further comments, questions? Iran.

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IRAN: Yes. Becky, could you kindly comment that that very restrictive way you mentioned that the dispute will be under the national law I have seen that also having a qualifier, saying that based on the rules and procedures established by ICANN. Is that the case or not? Thank you.

BECKY BURR: So I don't think, as a matter of law, ICANN can establish any qualifier that prevents or interferes with the application of applicable law. That's a function that exists outside of ICANN and outside of -- you know, if a ccTLD is within your jurisdiction and you -- you know, you meet all of the requirements for asserting jurisdiction over that within your jurisdiction, applicable law will prevail. So nothing we can do, even if we wanted to, can defeat the proper application of applicable law.

CHAIR SCHNEIDER: Thank you. I think we could maybe move to the two other things that we have on our agenda for the last 15, 20 minutes. So who should I give the floor --

UNKNOWN SPEAKER: Peter.

CHAIR SCHNEIDER: Peter, yeah.

PETER VAN ROSTE: Thank you, Thomas. Good afternoon, everyone. My name is Peter Van Roste.   I'm the general manager of Centr, the European ccTLD codes. A while ago, I think it's three years ago, Centr in collaboration with the other regional organizations, ran a survey on the organizational structures of ccTLD registries and the relationships they had with their governments. From the top of my head, I think about 80 ccTLDs across the globe responded to that survey. And as a follow-up, an initiative was taken by the GAC underserved regions working group to add to that and look into a couple of more specific issues.

We were asked to have a short discussion about this and I see we have 15 minutes left. But I propose that maybe Alice or the co-chairs from the working group can maybe give a quick introduction. And then we have a couple of fire starters, people from within the audience that have volunteered to share some views on that.

But before I give the floor to Alice, I would like to see a quick show of hands from both the GAC people in this room and the CC people in this room. How many people are aware of that survey

or have seen it? Well no, how many people have seen the survey, the results? All right. And how many people were aware that the survey was taking place before the -- it was closed for responses? Maybe a dozen. So Alice, I think we're on to something here. And it could -- it could answer quite a -- quite a few of the questions that we had prepared for this. So the floor is yours.

ALICE MUNYUA: Thank you very much. We conducted this survey in 2015, and the aim of the survey was really to share -- to collect and share information about best practice and lesson learned because it was felt there was a need to provide advice in this field, although we didn't quite get the level of responses we had expected.

We wanted to identify the current challenges and the possibility of also developing best practice, of course in collaboration with the ccNSO. However, we only received about 23 completed surveys, as you can see from the hands raised, which is just under 15% of GAC members. Most of them came from Europe. 11 respondents from Europe. Asia-Pacific, 7. And 5 from Africa. None from the other regions.

Although having said that, we have a very good example of an MOU. Perhaps I'll ask my colleague from New Zealand to share

very briefly the example that they have, because that's another brilliant one.

But most of the questions that we were asking on that survey were mostly around the form of ccTLD managers take in terms of is it nonprofit, academic, government managed. You know, their interpretation of what local Internet community is. Whether governments -- Who manages the ccTLD, if it's a government or it's -- the functions are outsourced. And the general relationship between the ccTLD manager and the government.

And I won't get into the details of that, but what I think we promised when you send a request is we're going to make the results public and perhaps seek your collaboration in terms of us perhaps strengthening this study and making it more valuable and ensuring that we get more responses in the spirit of collaboration.

But for now, I think I would like to invite my colleague from New Zealand to share our valuable MOU that she shared with us yesterday or today. That might be helpful to guide us in the further discussions on this.

Thank you.

New Zealand.

NEW ZEALAND: Yes, thank you, Alice.

I'll just briefly describe the MOU that New Zealand has just concluded. For those of you who don't know, .NZ is run by a not-for-profit called Internet New Zealand. We have no national legislation, and until now we had no formal documentation on how we had a relationship with our CC manager.

So building on the concept from the Underserved Regions Working Group, we wanted to demonstrate what we considered best practice for New Zealand and the lessons learned from discussions in the GAC over what hasn't worked in the past with CC management; to submit the institutional knowledge of how we work together in New Zealand for future analysts who sit in my role; and also to demonstrate to the New Zealand public how we maintain oversight of what is an independent organization in New Zealand.

So the MOU which I've circulated to the GAC working group, and I understand is also available if you just Google .NZ domain management, describes the world as we see it. So it talks about the policies and principles we use with reference to RFC 1591, the Framework of Interpretation report, and the GAC principles.

It talks about roles and responsibilities we have, and our shared objective in ensuring that the ccTLD is managing interests of the

local Internet community and what we mean by the local Internet community in New Zealand.

I'll just -- You can all have a look at it and I'm happy to answer questions if you have any. I will say it was an interesting process. We have a good working relationship with our ccTLD, but it still took two years from concept to signature.

We wanted to do it while our relationship is positive because it is very difficult to start these things when you are already in disagreement.

And also just note that in the spirit of the B meeting, there is a ccNSO session tomorrow at 10:45 where you will be able to hear what our ccTLD manager thinks of the process that we just went through.

Thank you.

PETER VAN ROSTE: Thank you, New Zealand. Thank you, Alice.

We have two speakers from the CC world that had a look at the survey and were happy to make some contributions. I suggest we start with BE. First we have Peter Vergote from DNS Belgium, and the Jan Vannieuwenhuyse from the Belgium Government Advisory Committee delegation.

Thank you.

PETER VERGOTE: Thank you, Peter. Good afternoon, everybody. My name is Peter Vergote from .BE.

When it comes down to the survey, and more specifically the relationships between the ccTLD within a certain country and the GAC representation of that country, I would like to emphasize on two key points that prove to be very valuable in our specific situation of Belgium. Obviously, this is a personal view for which I don't want to call it a mantra that is fit for everybody in this room, but the two key points I want to stress prove to be very important in developing relationships between us and the Belgium GAC representation.

So I'm just putting them in front of you as they might provide valuable information for you as well.

The first thing that I want to stress is know each other. I think -- I can be mistaken, but if I look at what has been going on in the past, I have this feeling that for still many countries, there is no immediate linkage between ccTLD and ccTLD staff and their GAC representation.

People are coming to GAC -- to an ICANN meeting, but there is no exchange, there is no personal contact. And more importantly,

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even if there is a very short and occasional contact, there is no follow-up in between ICANN meetings.

Now, if you really want to work together, a ccTLD and local GAC representation, then I think you should start to reach out to each other and take the opportunity of ICANN meetings and other international fora to look out for each other, to sit down and to discuss certain topics of interest.

So that's the first point I wanted to raise.

The second point is it's not only about knowing each other. The more difficult thing is also understanding and having some empathy for each other's position. And this is, as we understood and we learned in Belgium, it's an evolving process.

I mean, about ten years ago, we still had a bit the "us against them" feeling. Like we're the registry. We are supposed to run our operations, while we looked at our government as a potential intervenent.

Well, this is absolutely not true. I mean, most of the governments are not remotely interested in intervening in the day-to-day operations for their ccTLDs. They are looking for something that is more higher in the priority list. It's to secure if something -- if something happens. If, for instance, the registry

fails and the country goes into a vacuum when it comes down to the management of the local ccTLD.

So understanding this really helped us in coming to very good balance. Now in Belgium you have, in the legal framework, you have a certain set of principles which are just there in case of need but not tampering in any way with the day-to-day management and the state of affairs of the local ccTLD manager.

So I think it that looking at those two principles or key points, in our case it helped. And maybe it can -- it can be inspirational in enhancing cooperation between individual GAC representations and their ccTLD manager.

Thank you.

PETER VAN ROSTE: Thank you, Peter.

Jan.

JAN VANNIEUWENHUYSE: Thank you very much, Chair. I also want to give my perspective as representative of the regulatory authority in Belgium.

In Belgium, as has been said, we have in the law on electronic communications a framework in which the manager of .BE domain names, the registry, must operate. It only defines the

high-level principles which have to be followed by the registry and foresees an ultimate sanction in the possible redelegation to another not-for-profit entity.

The (indiscernible) for Internet Electronic Communications which is responsible for electronic communications is also responsible for surveillance of this article in the legislation.

And to our experience, although sometimes initial positions on public-policy issues -- one example was some time ago, the role of the DNS.BE, which has to be played by DNS.BE, in misuse and abuse of .BE names are different and discussions are difficult. At the end, we were always able to find a consensus which was and is acceptable for everyone.

So for us as regulatory authority, up to now this model worked quite well. It works quite well. And we see us, main reasons for that that first of all, DNS as registry creates a lot of transparency and openness on everything, even on the very minor details. And the regulatory has an advisory seat in the board which facilitates this a lot.

Furthermore, we have, since long time, this collaboration, so it's a kind of tradition of working together. And this results in a trust relationship, which is important. And, also, what I see is that board members of DNS.BE are very aware that the registry

operates and has to operate in the public interest, and as this reflects if decisions are taken.

So of course, and just to end my intervention, this all depends on the people, but from our perspective, we hope we can continue on this path.

Thank you.

PETER VAN ROSTE: Thank you so much.

As a last intervention -- I have Patricio Poblete from .CL, Chile.

Patricio.

PATRICIO POBLETE: Thank you, Peter. I am Patricio Poblete from NIC Chile, the domain name registry for .CL. And I believe surveys such as this one is a very useful thing to do because it help us better understand how things with right now and try to see where they're going and perhaps help them move in a good direction.

The number of responses as I see that were received is not as high as one would have expected. The previous survey of the ccTLDs that Peter mentioned through something like 76 responses. So it's quite a bit more.

I don't know if there are plans to ask again or in a future survey to try to reach a wider set of respondents because from a small sample, we risk getting a picture that doesn't really fit the reality.

For instance, if we look at the profile of the respondents in this survey, about half of them are ccTLDs that are run directly by governments or in a very similar situation.

In the previous larger survey mentioned by Peter, that fraction was about 20%.

So there is a bit of overrepresentation of ccTLDs run by government that might bias the perception if we only went by these responses.

So one of my hopes would be that in the future, we could get more people to answer, more governments. Hopefully all of them, or very close to that.

On the other hand, people tend to answer when they have -- when they are not really comfortable with the current situation, when they have issues. So perhaps no news is good news if we look at those that didn't reply.

And in that sense, I would feel if it is true that many of the governments in the world are not really uneasy with the setup that they have right now, that would be a good thing in the

sense that one of the things that we value the most in regard to the Internet is stability. If things are working right now, we should think very well before introducing a move in a direction that might lead us into instability and perhaps effects that we didn't really foresee when we did that.

So stability will counsel us to look very carefully into changes that we might want to make. Not that we would never make any changes, because if things are not working, we need to fix that.

And speaking a bit from my own experience in Chile, we have been doing this for a very long time. Ours is a very old ccTLD, and over the years we have developed a very good working relationship with the government, and perhaps I would say with the governments because they have a tendency to change from time to time. We are -- one of our activities every four years or so is to get to know who is in charge right now, who the minister is, who the undersecretary and the -- getting them to know what we do, how we do it. And there are many mechanisms in place that regulate the way domains are delegated and perhaps they are revoked if the case might be. And we now have FoI which is a very -- it's a great improvement in making things more understandable for everyone. But at the end of the day, the principle reason why in our country we have stability in terms of the DNS is because there is a perception that the domain name registrations are working well, that the processes that are in

place are efficient, that domain name registrations are reasonably inexpensive so the community in general accepts the situation as it is and is reasonably happy with it and that there are ways for them to get everybody to know when somebody is not happy with the situation. We have an advisory council that's with participation from the government and from the private sector. The council was actually created by government decree. So we have reached a situation that's very stable, and nobody is really proposing that we should change that radically. And I would suppose that that's the case in many places in the world.

In the case of where that's not the situation, where there are reasons to ask or to hope for a change, I think that FoI is -- is the -- a document that now that it exists we should get to know it carefully. It's now being implemented. The IANA should take that as its guide when it comes to delegations, revocations, and transfers and new delegations. So I think we -- with the FoI we are in a much better situation than we were before.

PETER VAN ROSTE: Thank you, Patricio. Alice, you had a comment. Thank you.

ALICE MUNYUA: Thank you, and thank you for that question. One of the roles of the underserved working group -- GAC underserved working

group is capacity building. And one of the reasons -- one of the reasons and aims of this survey was -- was to do exactly that. It was to gather information requested by some governments so that they could derive some lessons from the uniform best practice that they could adopt in their situation. So it was in no way -- the survey was in no way aimed at trying to change anything, and we acknowledge that the FoI does exist and we did contribute to it.

But also taking into consideration the very few responses we got, I think it might be worth reviewing it again at this point, especially within that context of the underserved working group. We may conduct a survey that might go deeper into requesting what GAC members may want to see in terms of building capacity in this area. So I just want to let you know that it wasn't meant -- the survey wasn't meant to change anything. It was more as a contribution to capacity building, which is the role of the underserved regions working group. Thanks.

PETER VAN ROSTE: All right. No more questions? Iran.

IRAN: Yes. Just I want to embark on the two issues that we have raised, and it is important to highlight that. One is, from our

colleague on the podium, it was mentioned that if the mechanism is in place, it works, don't change it until a problem is reported -- sorry, unless a problem is identified, reported, and recognized to be a problem. So don't change it. It's working. That's one sign of the coin. The other side of the coin that maybe have a relation with that, there is no contact or very little contact that's in the ccTLD manager and the local GAC people until they come to the GAC meeting. Even they come to the GAC meeting one is one room, the other is in the other room. There is no communication so therefore you have to -- if not intervening in the internal affairs of the country, at least identify the need for a closer collaboration and coordination. So this is two things that we have to mention. Thank you.

PETER VAN ROSTE: Next question U.K.

UNITED KINGDOM: Thanks very much. I just wanted to illustrate the U.K. approach to interaction between the government and the ccTLD registry. In our case Nominet which runs .U.K. We don't have a regulatory framework for the -- what we -- we set up three years ago a multistakeholder advisory group on Internet governance, comprises about 40 stakeholders. That covers the whole roster of Internet governance policy area. And within that group we

have a subgroup that looks at ICANN issues, domain names, IANA stewardship transition, and so on. And within that group is -- Nominet is represented -- represented, and that is the -- I guess the primary mechanism for us to interact from the ministry with -- with Nominet on the whole thrust of ICANN policy issues in anticipation of these meetings and in relation to ongoing ICANN processes and so on. So we find that mechanism works well for us in maintaining close contact, understanding of the GAC agenda, and ccNSO priorities and so on. Hope that's helpful. Thank you.

PETER VAN ROSTE: It is indeed. Thank you so much. One more comment, Egypt?

EGYPT: Yes, thank you. Manal Ismail from Egypt. Just a very quick question on the statistics part and whether the figures reflect the number of governments who responded or the number of ccTLD responded for because we, for one, we have submitted two responses, one for the IDN ccTLD and one for the ASCII one. So just to -- thank you.

ALICE MUNYUA: We took that into consideration that yes, there were two responses from Egypt and we have seven from the Africa region and Egypt responded to two, yes.

PETER VAN ROSTE: All right. Thank you so much. No more questions. Once, twice. So I think from -- when we started off the debate there was, I think, clearly a lack both in particular probably in the ccTLD part of this room but also in the GAC part, maybe a lack of awareness of the survey and its intentions. I think that we heard a couple of good stories of those that collaborated not just on the survey but more in general on a day-to-day basis and that good cooperation is typically based on knowing the people and not just meeting them at the ICANN meetings but also making sure that in between those ICANN meetings those relationships are maintained and followed up on.

I thought it was an interesting discussion. I still welcome all suggestions on how CCs can help you to improve the response rate to that survey or how we can help you with our experience on running surveys to ccTLDs. We've been doing that for 20 years now, on how to function surveys and make them easier to respond to. So thank you so much. Over to the chair.

CHAIR SCHNEIDER: Your thing is still on, your microphone. Thank you, Peter. Before we conclude, Spain has a quick question that may be interesting also for the ccTLDs. I think we should give Gema one minute to ask -- half a minute to ask the question and another half to answer it.

SPAIN: It's really quick. You may have noticed that I'm on the mitigation plans proposed by registries to avoid confusion between the use of two-letter names in the second level of new gTLDs and country codes few of registries proposed to conduct phased delegation periods, sort of sunrise periods, in which they could give priority to ccTLDs to register those names in the first place. Has the ccNSOs have a view on this? What experience do ccTLDs have with prior fixed delegation periods that were conducted with pre-2012 new gTLDs. Thank you.

UNKNOWN SPEAKER: We could run a survey perhaps.

BECKY BURR: We actually have looked at this question and asked this question over the years. There is an enormous diversity of views on this issue within the ccNSO. Some members would want to take

advantage of that. Others would -- would not. So there is no consensus view in the ccNSO on that.

BART BOSWINKEL: Maybe in addition to that I think this question was asked at the first Singapore meeting sometime -- some years ago and there was a whole session on that between the GAC and the ccNSO, and different ccTLD managers at the time shared their experience around this topic. So I can go back and look at, say, the session. And in my view, I think it was transcribed as well, and I think the views at the time have not changed, maybe a little bit more liberal by now. So I'll check and say the session between the ccNSO and the GAC when this came up as well. This was just before or around --

CHAIR SCHNEIDER: 2011 or something like that.

BART BOSWINKEL: Yeah.

CHAIR SCHNEIDER: Okay, thank you very much. I think that was an interesting pointed. So we're slightly over time, so I just would like to say thank you and, yeah, let's continue dialogue. That's it.

KATRINA SATAKI: Thank you very much for having us here.

[Applause]

I just wanted to say that at 5:00 p.m. we -- in our ccNSO room, it's Veranda two, it's a slightly smaller room, but we're going to run another cross-community session and we're going to talk about the operational side of ICANN. If you're interested -- and we really anticipate a very interesting discussion on this topic, so if you're interested you're warmly welcome.

OLOF NORDLING: And in direct competition with that at 5:00 starts the cross-community session on new gTLD subsequent procedures in this room. At -- 1700 hours or 5:00 p.m., whatever you prefer.

[END OF TRANSCRIPTION]